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ROBERT B. TAYLOR
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PROBATION DEPARTMENT

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May 4, 2006

TO: Each Supervisor

FROM: Robert B. Taylor 
Chief Probation Officer

SUBJECT: **BARRY J. NIDORF JUVENILE HALL ESCAPE
INCIDENT OF MARCH 23, 2006**

On March 28, 2006, on motion of Supervisor Antonovich, the Board took five actions related to the March 23, 2006 escape of four juveniles from Barry J. Nidorf Juvenile Hall (BJNJH). Each of the five Board actions is indicated below accompanied by the Department's response.

- 1) The Board instructed the Probation Department to update the Department's February 3, 2003 report detailing implementation of previous directives and recommendations relating to security issues at BJNJH and other juvenile facilities.

Attachment I is an updated version of the original February 3, 2003 juvenile hall security recommendations. Of the 223 recommendations, 169 (76%) have been implemented, 30 (13%) are not viable primarily due to logistics and safety-related security issues, and implementation of the remaining 24 (11%) is contingent on the availability of funding. In addition, a list of camp facility security enhancements completed since 2002 is provided as Attachment II.

- 2) The Board instructed the Probation Department, the Chief of Office of Public Safety (OPS), and the Chief Administrative Officer (CAO) to work on a proposal for security at the juvenile facilities, and report back with recommendations.

Probation Department, OPS, and CAO staff are developing a juvenile halls and camps security proposal. However, additional time is required to provide your Board with a comprehensive juvenile facility security assessment, including recommendations and funding needs. We will provide this assessment by May 19, 2006. In the interim, Probation and OPS have developed additional operational controls to ensure

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appropriate accountability and mutual communication between each OPS juvenile hall patrol officer and the applicable juvenile hall security staff.

- 3) **At the request of Supervisor Knabe, the Board instructed the Probation Department to provide a profile of the juvenile offenders in custody in the Department's juvenile halls and camps compared to a profile of juveniles in the last 8-10 years.**

The Department has reviewed a profile of the currently detained youth population compared to youth of approximately 10 years ago based primarily on criminal offense information and statistics from other justice agencies. There are additional delinquent youth issues provided by our experiential profile. Described below are the changes in the profile of juvenile hall and camp offenders, and the key factors we have identified that contribute to these changes.

Increasingly Criminally Sophisticated Offenders – According to the California Department of Finance, the number of juveniles in the crime-prone ages between 12 and 17 was expected to rise 36 percent between 1997 and 2007 (an increase of more than one million juveniles). Juveniles tend to murder strangers at disproportionate rates, and a juvenile murderer is more likely to be 17-years-old than any other age at the time that the offense is committed.

The majority of escape attempts, racial disturbances, assaults, and larger-scale fights within juvenile halls occur among unfit minors. Youth appear increasingly criminally sophisticated based on the influence of multi-generational gang affiliation and accepted practices of substance abuse within families. Youth-on-youth violence within our facilities has increased throughout the past years as exemplified by the number of fights and physical restraints of youth.

Challenged Population with Increased Mental Health & Other Needs – We have within our facilities increasing numbers of youth with more prevalent mental and medical health issues. We find that some youth have limited mental capacity, or little or no regard, for the command structure or staff within halls and camps. In addition, youth have a detachment from their greater neighborhood or community beyond their gang associates, and a limited sense of a long-term future involving learning, employment and family.

Reduction of DJJ Commitments – In addition to what appears to be an accepted sub-culture of criminality, close ties to gang affiliation more so than family, and disregard for the inherent risks of chronic substance abuse, we have significantly fewer minors being committed to the State's Division of Juvenile Justice (DJJ, formerly the California Youth Authority). This trend may be perceived by some as a positive step toward youth rehabilitation and community connections. However, these same youth too often end up as recycled disruptive youth offenders within our camp system who exacerbate

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safety and security problems by demonstrating no clear willingness to genuinely participate in the rehabilitative process.

Enactment of Gang Violence and Juvenile Crime Prevention Act of 2000 (Proposition 21) – In March 2000, 63% of California voters approved Proposition 21, the initiative that permits minors to be prosecuted as adults for designated violent crimes. Juvenile defendants are considered “unfit” for juvenile court due to the serious and/or violent nature of their alleged criminal act, often referred to by Welfare and Institutions Code section 707(b), that specifies violent crimes for which juveniles may be prosecuted in adult court.

The sentence associated with a sustained 707(b) charge against a juvenile in adult court is likely much more severe than in a juvenile court. Possible sentencing includes a significant period in a DJJ facility, and/or transfer to an adult State prison for decades. The risk that a minor classified as unfit will attempt escape and/or commit a violent act is much greater than for a minor who faces shorter-term detention in a juvenile camp setting, placement, or possible community detention.

Youth, faced with prison terms that may be four to five times their current age, have little or no incentive to comply with the order and structure of juvenile halls. Unfit youths may also be more susceptible to the influence or orders of “shot callers” within their gang, family, or from the adult prison system who they may encounter during court appearances or during visits.

The number of youth classified as unfit has increased since the passage of Proposition 21. In November 2003, we reported to your Board that our juvenile halls were housing 114 unfit minors, 42% of whom were being tried for murder or attempted murder. Today we have approximately 150 unfits, 63% of whom are awaiting trials for murder or attempted murder. Ten years ago a minor detained for murder was an anomaly.

As noted in an April 23, 2006 Los Angeles Times article, in April 2006 the State's Department of Corrections and Rehabilitation released data indicating that since 1994, two-thirds of the overall prison population growth is as a result of violent crimes such as robbery, assault, and homicide. The increasing numbers of unfit minors in our juvenile halls is consistent with the adult prison system's increasing numbers of violent offenders.

Although serious violent offenders are segregated from the general population at BJNJH in an effort to maintain order, minors classified as unfit generally are more criminally sophisticated, and have a greater incentive to attempt escape to avoid long-term incarceration. When unfit minors are involved in incidents or misconduct within juvenile hall, the Department petitions the court to request that these minors be transferred to DJJ's Norwalk facility while the minors proceed through trial. Unfit minors

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who have been convicted and sentenced to State prison are subsequently transferred to prison authorities.

Previous Housing of Some Unfit Minors at Men's Central Jail – In recent years, the Sheriff's Department would house approximately 40 unfit minors at Men's Central Jail. However, it became necessary to enhance educational and recreational program opportunities for these minors which resulted in the County's contract with the DJJ to house unfit, under 18-year-old, pre-adjudicated male minors at DJJ's Norwalk facility. In an effort to mitigate violence in the juvenile halls, Probation Department staff continue to utilize this option by seeking court orders to remand to DJJ specific unfit juveniles who demonstrate defiance or significant behavioral misconduct. In addition, Probation Department staff are currently working with the Court to expedite the transfer of 18-year-old unfit minors from BJNJH to Men's Central Jail.

Other Changes in Juvenile Offender Profile – Significant changes noted in the profile include the emergence of more females detained in our facilities, and slight changes in the ethnic diversity of detained youths.

In 2001-02, the State cut training funds to County Probation Departments. This resulted in a cut of approximately \$2 million for our Department. The Department subsequently restructured training into shorter format components that are delivered while juvenile hall and camp youths are in school. Though this format change fit within facility schedules, it challenges our ability to provide for the depth or quality of training appropriate for a juvenile custody setting. In addition, many staff who hire into juvenile halls do so as a means to get their career started while awaiting a vacancy elsewhere in the Department. Some of these staff may lack a vested interest in the longer-term success of juvenile hall operations.

- 4) At Supervisor Knabe's request, the Board instructed the Chief of Office of Public Safety to report back on her staff's response to the March 23, 2006 incident at BJNJH related to the four juvenile escapes.**

The Chief of Office of Public Safety will be providing a separate report to your Board on her staff's response to the March 23, 2006 incident.

- 5) At Supervisor Burke's request, the Board instructed the Probation Department to also report regarding the Compton Courthouse holding cell incident of March 15, 2006.**

The Department provided a separate report to the Board on April 28, 2006, which included 1) background information; 2) a status and outcome of the administrative and criminal investigations conducted by the Probation and Sheriff's Departments, respectively; 3) the status of the alleged victim and offenders; and 4) any discipline-related measures taken. The report was marked "Confidential" due to the criminal

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investigation of the matter involving a juvenile victim and juvenile offender, and the discussion of personnel matters. In addition, we have already received notice of the intent of the youth's family to litigate the matter.

Please call me if you have questions, or your staff may contact Robert Smythe, Chief, Administrative Services Bureau at (562) 940-2516, or Ron Barrett, Chief, Detention Services Bureau at (562) 940-2503.

RBT:RS

Attachments (2)

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- c: Sachi A. Hamai, Executive Officer, Board of Supervisors
David E. Janssen, Chief Administrative Officer
Raymond G. Fortner, Jr., County Counsel
Margaret A. York, Chief, Office of Public Safety



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To Enrich Lives Through Effective and Caring Service

MICHAEL J. HENRY
DIRECTOR OF PERSONNEL

MARGARET A. YORK
CHIEF, OFFICE OF PUBLIC SAFETY

May 5, 2006

TO: Each Supervisor

FROM: Margaret A. York, Chief
Office of Public Safety

SUBJECT: **RESPONSE TO SUPERVISOR DON KNABE REGARDING THE OFFICE
OF PUBLIC SAFETY'S (OPS) RESPONSE TO THE MARCH 23, 2006,
INCIDENT AT BARRY J. NIDORF JUVENILE HALL
(Meeting of March 28, 2006, Agenda Item 26-A.4)**

At the March 28, 2006, Board of Supervisors meeting, you instructed me to report back to your office regarding my staff's response to the March 23, 2006, incident at the Barry J. Nidorf Juvenile Hall.

On Thursday, March 23, 2006, four juveniles residing at the Barry J. Nidorf Juvenile Hall escaped from that facility. The four males, ranging in age from 16 to 17 years, kicked in a door panel, made their way to the roof, and proceeded to scale the facility's barbed-wire fence and escaped.

At approximately 4:00 a.m., an OPS Sergeant assigned to Olive View Station monitored a Los Angeles Police Department (LAPD) broadcast of possible escaped juveniles from the Barry J. Nidorf/Sylmar Juvenile Hall at 16300 Filbert Street in the City of Sylmar. The Sergeant contacted the Olive View Station dispatch center and requested notification to the Office of Public Safety (OPS) Headquarters Radio Center (HRC) to request additional resources. The Sergeant was the initial supervisor on scene and set up a command post. The Facilities Services Bureau (FSB) did not have a regular police officer assigned to the facility that night and had prearranged with the Olive View Station to make periodic patrols of the facility. The Olive View Station provided patrols of the facility through the night.

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Phone (562) 940-8379
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B-75 Hall of Records
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The HRC was notified and additional OPS officers from Health Services Bureau and Parks Services Bureau were dispatched to the scene. Shortly thereafter, LAPD arrived and assumed incident command reporting and command post responsibilities.

The OPS deployed 23 sworn personnel for this incident, 18 officers, three sergeants and one lieutenant. The initial response of officers in the early morning hours was minimal due to staffing shortages.

The majority of officers deployed were deployed after 7:00 a.m., when they reported for their regular scheduled assignments. These officers were not available during the initial stages of the incident.

As OPS officers arrived at the Command Post, they were given "grids" to search the area surrounding the Juvenile Hall. Officers searched their respective areas along with LAPD. The OPS officers assisted LAPD officers in searching several residences at the request of the owners/occupants. No significant contacts were reported.

At approximately 11:30 a.m., the LAPD's Command Post received information from a local contractor, working at an adjacent housing project, that four individuals matching the suspect's description simulated a handgun and "asked" that he drive them to a location in South Los Angeles, which he did. After receiving this information, the Command Post was deactivated and all OPS officers returned to their regular assignments.

MAY:LL:lr

Attachment

c: Executive Officer, Board of Supervisors
Chief Administrative Officer
County Counsel